



November 15, 2013

The Hon. Mary Polak
Minister of Environment
PO Box 9362 Stn Prov Gov
Victoria BC, V8W 9M2
Via e-mail: livingwatersmart@gov.bc.ca

Re: A Water Sustainability Act Proposal for British Columbia

Dear Minister Polak:

In light of your request for feedback on the *Water Sustainability Act Proposal for British Columbia (WSA)*, outlined below are key priorities for Teck for your consideration.

As Canada's largest diversified resource company, with a significant presence in British Columbia and over 7,800 of our more than 14,000 employees worldwide based here in the province, we support the work undertaken by government to modernize the *Water Act* in a manner that balances social, economic, and cultural benefits of water resources within ecologically sustainable limits.

We are encouraged by the integration of feedback from your *Water Act Modernization Engagement Process* that is reflected in the current WSA proposal document. In particular, we commend:

- the inclusion of consideration of environmental offsets when remediation or mitigation may be more beneficial at a different location; and
- the specific inclusion of exemptions for ground water licenses related to remediation activities.

Building on these efforts, below are our recommendations for consideration in the drafting of the WSA and accompanying regulations:

Comments and recommendations

1. Centralize decision making and ensure adequate resources

The legislative proposal indicates decentralization and significant delegation of statutory decision-making to people and agencies outside of the provincial government. While the intent of this proposal may be to realize efficiencies with local inputs on decisions, we fear its implementation will lead to inconsistent application of legislation from one region to another. The variation of water management expertise and capacity across the province will further exacerbate this outcome.

Recommendations:

- We recommend that the Province centralize decision-making for regulations implemented under the WSA. In particular it is essential that appropriate resourcing is in place so that government and industry may operate under regulatory certainty and consistency.

2. Avoid duplicative legislation

There is a lack of clarity on how the WSA legislation will ensure that complementarity is achieved with other provincial, federal, and local regulations related to water management. The risk of duplicative and/or conflicting legislation will inhibit the intended outcome of effective water management.

Recommendations:

- We recommend the Ministry of Environment consider all potential overlapping and conflicting legislation to avoid the WSA duplicating existing regulations and creating an undue burden on industry.

3. Continue engagement with stakeholders to achieve workable legislation

Absent from the legislative proposal is the inclusion of definitions and more specifically how the key terms of the *Water Act* will be revised to achieve a modernized WSA. For example, clarification on how First in Time, First in Right (FITFIR) will be managed with the caveat of new allowances for essential household use is absent from the current proposal as is the definition and process for determining critical environment flows (CEF). These gaps hinder our ability to provide full comment on the proposed legislation.

Recommendations:

- Given that the details of individual components outlined in the legislative proposal will be addressed in regulations and given the multi-year implementation plan, we recommend the Ministry of Environment continue to engage industry to continue toward a workable WSA and accompanying regulations.

We appreciate your consideration in these matters and your ongoing efforts to support sustainable growth across BC. If you have any questions, please do not hesitate to contact me.

Sincerely,



Marcia Smith
Senior Vice President, Sustainability and External Affairs

Cc: Hon. Bill Bennett, Minister of Energy and Mines